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EA

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/595,323	02/01/96	SAMUEL D	16326.701

B3M1/0320

EXAMINER

MAUNG,Z

ART UNIT	PAPER NUMBER
2315	

DATE MAILED: 03/20/97

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HC CHAN
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL RD
PALO ALTO CA 94304

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/595,323

Applicant(s)
Samuel et al.

Examiner
Zarni Maung

Group Art Unit
2315



☒ Responsive to communication(s) filed on Feb 1, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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15. Claims 1-16 are presented for examination.

16. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

17. Claims 1-16 are rejected under 35 U.S.C. § 103 as obvious over Page' et al., U.S. Patent Number 5329619 (hereinafter Page'), in view of Perlman et al., U.S. Patent Number 5309437 (hereinafter Perlman).

Page' discloses a method for providing group messages to a plurality of host computers connected over a wide area communication network (see figures 2 and 23,

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clients connected to servers via communications network 22), wherein said method comprising the steps of:

providing a group broker server (broker 14 and request queue or message queue) coupled to said network, said server communicating with said plurality of host computers using said network and maintaining a list of message groups, each message group containing at least one host computer (see column 23, line 58 to column 24 line 50, column 45 Message queuing section);

sending, by a first host computer belonging to a first group, a request to said server via said network, said request containing a payload portion and a portion for identifying said first group (see section II, a particular client requesting services or sending messages to particular servers. The requests or messages with the HAPI contain the requester ID and payload portion),

transmitting, by said server via said network, said payload portion to selected host computers belonging to said first group (See sections II and III, the broker server requests the required messages from the host servers for the requesting clients, stores the messages in message queue and transmits the messages to requested clients).

Page' does not explicitly show the message server; However, the broker server 14 requests the required messages from the host servers for the requesting clients, stores the request messages in message queue or reliable media and transmits the messages to the requesting clients. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Page' to include a message server

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in view of the broker server having message queue for maintaining messages from the clients to the servers. Page' does not explicitly show that the network is a unicast network; however, Perlman teaches that aspect of the invention (see column 5, lines 5-11, 50-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the unicast implementation in Page' in view of Perlman, since it is old and well known in the art to use unicast network in a distributed client/server disclosed by Page'.

18. As per claim 2, Page' discloses the method for providing group messages to a plurality of host computers connected over a wide area communication network as set forth in claim 1 above, wherein Page' does not explicitly show that the selected host computers comprising all host computers belong to said first group except said first host computer. However, it would have been obvious for one of ordinary skill in the art to recognize that the broker server would not select the requesting station as one of the selected stations, and one skilled in the art can recognize that the hosts responsive to said request do not include the requester itself. In addition, Perlman further teaches that aspect of the invention (see column 5, lines 50-66, Perlman discloses that the message packets are forwarded to all other hosts except the one from the message was received). Therefore, it would have been obvious to one skill in the art to modify Page' in view of Perlman and forward the messages to the hosts other than the one from the message was received.

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19. As per claim 3, Page' discloses the method for providing group messages to a plurality of host computers connected over a wide area communication network as set forth in above claims, wherein said message also contains a portion for identifying a second message group, the selected host computers being selected from a set operation of members in said first and said second message groups (see section II, the broker selects the hosts using host ID and Conv ID).

20. As per claim 4, Page' discloses the method for providing group messages to a plurality of host computers connected over a wide area communication network as set forth in above claims, wherein said method further comprising the step of creating, by a second host computer, said first message group by sending a first control message to said server via said network (see column 15, server program)

21. As per claim 5, Page' discloses the method for providing group messages to a plurality of host computers connected over a wide area communication network as set forth in above claims, wherein said method further comprising the step of joining, by said first host computer, said first message group by sending via said network a second control message to said server specifying said first message group (see columns 15-16).

22. As per claim 6, Page' discloses the method for providing group messages to a plurality of host computers connected over a wide area communication network as set

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forth in above claims, wherein said network is Internet and said server communicates with said plurality of host computers using a session layer protocols (see column 3, lines 20-28, session layer is inherent).

23. As per claim 7, Page' discloses the method for providing group messages to a plurality of host computers connected over a wide area communication network comprising the steps of :

providing a group messaging server coupled to said network, said server communicating with said plurality of host computers using said network and maintaining a list of message groups, each message group containing at least one host computer; sending, by a first host computer belonging to a first group, a request to said server via said network, said request containing a payload portion and a portion for identifying said first group (see section II, a particular client requesting services or sending messages to particular servers. The requests or messages with the HAPI contain the requester ID and payload portion),

aggregating, by said server in a time interval determined in accordance with a predefined criterion, said payload portions of said messages to create an aggregated payload (see cleanup manager, columns 25-26);

transmitting, by said server via said network, said payload portion to selected host computers belonging to said first group (see sections II and III, the broker server requests the required messages from the host servers for the requesting clients, stores the

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messages in message queue and transmits the messages to requested clients).

Page' does not explicitly show the message server; However, the broker server 14 requests the required messages from the host servers for the requesting clients, stores the request messages in message queue or reliable media and transmits the messages to the requesting clients. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Page' to include a message server in view of the broker server having message queue for maintaining messages from the clients to the servers. Page' does not explicitly show that the network is a unicast network; however, Perlman teaches that aspect of the invention (see column 5, lines 5-11, 50-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the unicast implementation in Page' in view of Perlman, since it is old and well known in the art to use unicast network in a distributed client/server disclosed by Page'.

24. As per claims 8-9, Page' discloses the method for providing group messages to a plurality of host computers connected over a wide area communication network as set forth in above claim, wherein said time interval is fixed and corresponds to a time for said server to receive at least one message from each host computer belonging to said first message group (see columns 31-32, Min-Max timeout).

25. As per claim 10, Page' discloses the method for providing group messages to a

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plurality of host computers connected over a wide area communication network as set forth in above claims, wherein said method further comprising the step of creating, by a second host computer, said first message group by sending a first control message to said server via said network (see column 15, server program)

26. As per claim 11, Page' discloses the method for providing group messages to a plurality of host computers connected over a wide area communication network as set forth in above claims, wherein said method further comprising the step of joining, by said first host computer, said first message group by sending via said network a second control message to said server specifying said first message group (see columns 15-16).

27. As per claim 12, Page' discloses the method for providing group messages to a plurality of host computers connected over a wide area communication network as set forth in above claims, wherein said network is Internet and said server communicates with said plurality of host computers using a session layer protocols (see column 3, lines 20-28, session layer is inherent).

28. As per claims 13-16, they do not teach or further define the prior rejected claims 1-12, and claims 13-16 are also rejected for the similar reasons set forth in above paragraphs, supra.

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29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Method and system of multicast routing for groups with a single transmitter by Green, U.S. Patent Number 5517494.

(b) Inter-domain multicast routing by Doeringer et al., U.S. Patent Number 5361256.

(c) Local area network device startup process by Sidhu et al., U.S. Patent Number 5150464.

(d) Distributed configuration profile for computing system by Miller et al., U.S. Patent Number 5475819.

(e) Web browser with dynamic display of information objects during linking by Judson, U.S. Patent Number 5572643.

(f) Network bridge with multicast forwarding table by Virgile, U.S. Patent Number 5608726.

(g) Method and apparatus for providing a local area network bridge by Marshall, U.S. Patent Number 5027350.

30. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

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1 Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Zarni Maung whose telephone number is 703-308-6687. The Examiner can normally be reached on Monday through Friday from 7:30 to 4:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Lall, can be reached on 703-305-9715. The fax phone number for this Group is 703-308-5356.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703-305-9600.

March 15, 1997



PARSHOTAM S. LALL
PRIMARY EXAMINER
ART UNIT 234